



BHC-MSS 0234

Guide to the Records of Cesar Batalla et. al. v. Wheelabrator Environmental  
Systems, Bridgeport Resco et. al.  
July 2022

**Descriptive Summary**

**Creator:** [org], City of Bridgeport

**Title:** Records of Cesar Batalla et. al. v. Wheelabrator Environmental

**Dates:** 1985-1993 [bulk 1992]

**Quantity:** 2.5 linear feet

**Abstract:** The records of Cesar Batalla et. al. v. Wheelabrator Environmental Systems, Bridgeport Resco et. al. serve as a small portion of the illegal dumpsite in Bridgeport that was known as Mount Trashmore. Located at 329 Central Avenue in the city's East End, the massive eyesore and environmental hazard began in the 1980s. After the City of Bridgeport began clean up in the fall 1992, the choice of disposal by incineration became a massive concern to those who had worked hard to be rid of the trash heap. They filed a lawsuit to advocate for a better, safer method of disposal. The material in the collection documents the suit and includes material turned over in discovery that includes key parts of the Trashmore paper trail, as well as video footage of Mt. Trashmore's removal.

**Language:** English

**Repository:** Bridgeport History Center

**Administrative History:**

The records of Cesar Batalla et. al. v. Wheelabrator Environmental Systems, Bridgeport Resco et. al. serve as a small portion of the illegal dumpsite in Bridgeport that was known as Mount Trashmore. Located at 329 Central Avenue in the city's East End, the massive eyesore and environmental hazard began in the 1980s.

The site began under the auspices of Connecticut Building Wrecking, a demolition company owned by Geno and Russell Capozziello. They claimed in later lawsuits that they began to dump on their private property at 329 Central Avenue due to newly enacted environmental restrictions that made it more difficult to dispose of certain types garbage. After trash began to appear on the lot, residents of Bridgeport began to use it for dumping too. While some of this site's use came from a failure to appropriately plan for waste management (Bridgeport's landfill closed in 1987), it is worth mentioning that the East End is home to large Black and Latino communities. There was likely the assumption at play that dumping in the East End would not invite consequence. It did not for some time, functioning as an example of environmental racism.

Besides simply being an very large pile of garbage, Mount Trashmore posed extreme health risks. It was a haven for rats and over time, the material present in the pile would spontaneously combust. The smell of decomposing trash, unsafe heavy metals, and the City of Bridgeport's failure close the site down was not helped by the City itself *contracting with the Capozzelllos*, who were able to

underbid many competitors because of their low dumping fees.

Protests of the site began in 1988. Pastor Vernon Thompson of the East End Tabernacle Church was a key player early on, in no small part because his church was close to the trash pile. Community groups became involved quickly. A full history of the community organizing that helped to dismantle the heap may be found in Britney Murphy's article "The Fall of Mount Trashmore and the Rise of Community Activism: Environmental Justice and the Politics of Inclusion, Bridgeport, Connecticut (1991-Present)" in *Connecticut History Review*, Fall 2018. These protests hit critical mass in 1991, around the same time the City of Bridgeport filed for chapter 9 bankruptcy. Rev. Thompson invited Rev. Jesse Jackson to the city, resulting in the Connecticut March to Rebuild America. The march inspired the creation of the local Coalition to Rebuild Bridgeport, whose members included Thompson as well as Julian Braxton, Cesar Batalla, and George Lenx, among others. They used confrontational and attention-grabbing tactics to try and force action from the City and the State of Connecticut, up to and including dumping garbage from Mount Trashmore in front of the state capitol in Hartford. Future mayor Joe Ganim supported the organization.

Eventually, the Capozziellos were brought to court and found guilty for illegal dumping. Unfortunately, the State of Connecticut and City of Bridgeport could not agree on who was responsible for funding and enacting the cleanup. Eventually, both sides agreed to pay some portion of the cleanup, with the city responsible for finding an appropriate disposal method.

Removal steps began in 1992, the year Mayor Joe Ganim came into office. The decisions he made regarding disposal method are why the lawsuit at the heart of BHC-MSS 0234 was brought.

Lodged by Cesar Batalla, Rosalyn Blanding, Julian Braxton, Ann Dougherty, Bill Garrett, Joseph Gerics, Brian Hariskevich, Diana Kapitan, Annette Mathews, Thelma Perkins, and Barbara Radzvilla, and brought by attorney Debbie A. Spivak, the suit alleged that Mayor Ganim and Governor Weicker knew that on September 25, 1992, there were high levels of lead, cadmium, and chromium in the pile and leaking into the Long Island Sound. They proceeded to incinerate garbage in Mount Trashmore regardless. Therefore, it was appropriate to sue and demand an immediate stay of action under the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA), Clean Water Act (CWA), and Toxic Substances Control Act (TSCA)

The suit argued that community health in the East End would be made worse from incinerating toxic and hazardous materials at the site and that the concerns were being ignored at the local and state levels. Citizen commissions requested lab samples in August 1992 out of concern for what materials were in the pile. The testing found not only the previously mentioned lead and cadmium, but also asbestos, mercury, and other hazardous chemicals and heavy metal. There were even some that were in specifically labeled 55-gallon barrels, including sodium hydroxide. The state was also failing to pursue violations.

Unfortunately, the suit failed, and the incineration of Mount Trashmore concluded in early January 1993. The lawsuit was withdrawn in May of 1993.

### **Bibliography**

Murphy, Britney. "The Fall of Mount Trashmore and the Rise of Community Activism: Environmental Justice and the Politics of Inclusion, Bridgeport, Connecticut (1991-Present)" *Connecticut History Review* (2018) 57 (2): 154-179.

<https://doi.org/10.5406/connhistrevi.57.2.0154>

Murphy, Britney. Mount Trashmore (part of the Bridgeport History Center Grassroots Historians series), May 2017. <http://hdl.handle.net/11134/110002:19386>

**Scope and Content note:**

Material within the collection relates solely to the lawsuit brought against Wheelabrator, Bridgeport RESCO, Governor Lowel P. Weicker Jr., and Mayor Ganim. It includes not only various court documents, but also exhibits from evidence, the notes of attorney Debbie A. Spivak, material from the discovery phase of the suit including analysis of material from Mount Trashmore as well as photographs, affidavits, expert resumes, and background research.

**Arrangement note:**

The collection features six series, roughly meant to lay out a timeline of the lawsuit from filing to withdrawal.

The first series contains filings, motions, and proceedings. Subseries 1 contains the final version of these documents, arranged in chronological order. Subseries 2 contains drafts and notes related to these filings and legal strategy therein.

Series II, Discovery, is arranged into three subseries. The first is requests and subpoenas, which include list of documents that Debbie Spivak requested as the attorney on the case. The lists therein inform the documents that are included in subseries 2, documents turned over in discovery. Relying on the requests listed in the documents of subseries 1, the material is arranged chronologically. On occasion, it is unclear if one document or another was referred to in the request or subpoena. To ensure accuracy, all potential versions have been included. Subseries 3, additional documents, were possibly requested or possibly evidence. It is unclear.

Series III contains material not listed in the discovery documents, and as such is referred to as evidence. The general subseries contains corporate backgrounds, texts of laws, and photographs taken at Mt. Trashmore. Subseries 2 contains a chronological list of laboratory analysis related to Mt. Trashmore. Subseries 3, test case of exhibits, contains material found in an expandable file folder labeled "Test #1." Kept in original order, this was likely an experimental run through of how to present exhibits.

Series IV, Exhibits, contains the contents of an expandable file folder labeled "Exhibits Plaintiff's table" with the original order maintained. An appendix is also in this section, with a list of potential exhibits included at the end.

Series V, attorney notes, contains the notes of Debbie Spivak in subseries 1 and Stephen Hume in subseries 2. Spivak's notes were on various yellow legal pads. Each folder represents one pad. They are undated, and include notes on various parts of the case.

The final series related to the Coalition to Rebuild Bridgeport. This includes notes, newspaper clippings, photographs of an event, and most notably, a video tape that documents the work done on Mt. Trashmore from October 1992 to January of 1993. The tape has been digitized and is available online.

**Administrative information:**

**Provenance:** Material was removed from the defunct Connecticut Conservation Association

(CCA)'s offices located at 3010 Fairfield Ave. in Bridgeport by Peter Spain. The CCA was contacted prior to removal, but the organization never responded, effectively abandoning the material at the office. Spain then transferred the material to the Bridgeport History Center.

**Preferred Citation:**

Records of (BHC-MSS 0234), Bridgeport History Center, Bridgeport Public Library.

**Names and Subject Tracings**

*Personal names*

Batalla, Cesar  
Blanding, Rosalyn  
Braxton, Julian  
Dougherty, Ann  
Garrett, Bill  
Gerics, Joseph  
Hariskevich, Brian  
Kapitan, Diana  
Mathews, Annette  
Perkins, Thelma  
Radzvilla, Barbara  
Ganim, Joseph  
Weicker Jr., Lowell P.  
Spivak, Debbie  
Nessen, Joshua

*Corporate Names*

City of Bridgeport  
Wheelabrator Technologies Inc.  
State of Connecticut. Department of Environmental Protection

*Subject tracings*

Environmental justice  
Racism in public welfare  
Mount Trashmore (Bridgeport, Conn.)

**Detailed box/folder listing**

Series I, Filings, motions, and proceedings  
Subseries 1, Official filings

Box 1

1. Complaint, jury trial demanded, Nov. 2, 1992
2. Appendix A of exhibits to plaintiffs' complaint and memorandum of law, Nov. 11, 1992
3. Notice of intent to serve, Nov. 19, 1992
4. Verified complaint for injunctive relief and costs, Nov. 23-25, 1992
5. Order to show cause and temporary restraining order, Nov. 25, 1992
6. Verified complaint and request for temporary restraining order, Nov. 25, 1992

7. Amended complaint, Dec. 20, 1992
8. Client consent, rule 26, Dec. 1992
9. Order to show cause signed by judge, Dec. 30, 1992
10. Memo with complaint, 1992
11. Answers of defendants, Jan 4., 1993
12. Plaintiffs request for production under 34, Mar. 3, 1993
13. Motion for withdrawal, May 20, 1993

#### Subseries 2, Drafts

14. Drafts of brief, Nov. 1992
15. Drafts of complaint, Nov.-Dec. 1992
16. Drafts, 1992-1993
17. Drafts, 1992-1993

#### Series 2, Discovery

##### Subseries 1, Requests and subpoenas

18. Discovery, general, 1992
19. Discovery memos to defense council, Dec. 31, 1992
20. Subpoena duce tacums, c. 1992
21. Subpoenas, 1993
22. Affidavit of Timothy Callahan, 1992
23. Paul Connect exam (cross, redirect), undated
24. Affidavit, Marco Kaltofen, 1992
25. Garret, Bill, undated

##### Subseries 2, Documents turned over in discovery

26. Application to the Connecticut Sitting Council Bridgeport Resco Project, April, 1985
27. Application to the Connecticut Sitting Council Bridgeport Resco Project, April, 1985
28. Agreements with CRRRA, April 1985
29. Municipal solid waste management service agreement draft, August 1985
30. CRRRA contract with Bridgeport Resco, Nov. 15, 1985
31. CRRRA contract with Bridgeport Resco, Nov. 15, 1985
32. CRRRA's bonding statement, Dec. 1985
33. CRRRA's bonding statement, Dec. 1985
34. Resco permits, 1985-1998
35. Resco-DEP operational, 1985-1992
36. Alex memo to DEP/Resco's ownership, May 1988; Dec. 1992
37. Resco continuing emission monitoring, 1989-1991
38. State trial brief vs. Connecticut Building Wrecking Co., August 1991
39. Pregnan memos of 1991 when D'addario prepared to take Mt. Trashmore, Oct. 1991
40. EPA report, Nov. 1991

#### Box 2

1. EPA report, Nov. 1991

2. EPA report, Nov. 1991
3. Wintergreen landfill, Hamden, 1991
4. DEP-Resco inspection, 1991-1992
5. State-City agreement, Jan-Sept 1992
6. State-City agreement January and July exhibit B, 1992
7. State-City agreement January and July CRRA insurance, 1992
8. Wheelabrator memorandum of understanding August 1992
9. Sampling analysis by state, Sept. 30, 1992
10. D and L Enterprises contract with city, Oct. 12, 1992
11. D and L Enterprises contract with city, Oct. 12, 1992
12. DEP press release on Mt. Trashmore, Oct. 26, 1992
13. DEP memos, Oct.-Dec. 1992
14. State's taking of 329 Central Av. statement of compensation, Nov. 16, 1992
15. NVHD summary of CRRA landfill, Nov. 19, 1992
16. Resco-Air Quality Impact Analysis, undated

#### Subseries 3, Additional material

17. From Dunbar's files, 1989-1991
18. From Larson's files, 1992

#### Series 3, Evidence

##### Subseries 1, General

19. Dague v, City of Burlington, 1991
20. Handouts, 1992
21. Research, 1992
22. CERCLA, 1992
23. Corporate records, defendants, 1992
24. Wheelabrator corporate backgrounds, 1992
25. Photographs of Mt. Trashmore/329 Central Ave., Nov. 19, 1992
26. Photographs of Mt. Trashmore/329 Central Ave., Nov. 19, 1992

##### Subseries 2, Laboratory analysis

27. Report for CRB from Citizen's Environmental Laboratory, Jan. 4, 1992
28. Voltare Technologies INC. site inspection, April 1992
29. Energy and environmental engineering data, 1992
30. Notes re: lab data, 1992

##### Subseries 3, Test of exhibits

31. Test #1 - Marco Kaltofen affidavit memo, Alex T. Covell memo to DEP re: Resco's ownership, 1988; 1992
32. Test #1 - Affidavit of Timothy J. Callahan, 1992
33. Test #1 - Affidavit of Joshua Nessen, 1992
34. Test #1 - Affidavit, Marco Kaltofen, 1992
35. Test #1 - Clap and Ozonoff resume, 1992
36. Test #1 - Crystal springs data, 1992

#### Series 4 – Exhibits

37. Appendix of Exhibits, 1992
38. Plaintiff's table - general, 1991-1992
39. Plaintiff's table - DEP press releases, Oct. 26, 1992
40. Plaintiff's table - EPA report, 1991
41. Plaintiff's table - Marco Kaltofen memo to Josh Nessen, 1992
42. Plaintiff's table - Ozonoff resume, Dec. 1992
43. Plaintiff's table - Table, Clapp resume, 1992
44. Plaintiff's table - Affidavit of Timothy J. Callahan, 1992
45. Plaintiff's table - D and L enterprises contract with the city, 1992
46. Plaintiff's table - Covino environmental consultant, 1992
47. Plaintiff's table - CT air quality summary [empty], 1992
48. Plaintiff's table - Exhibit B, state-city agreement, 1992
49. Plaintiff's table - Resco's insurance certificate, agreement with D and L, 1992
50. Plaintiff's table - City payments under D and L agreement, 1992
51. Plaintiff's table - Expert resumes (plaintiffs), 1992
52. Plaintiff's table - Air monitoring data, Resco's, Oct. 1992
53. Plaintiff's table - D'Addario Industries, 199101992
54. Plaintiff's table - Permits, Resco, 1989
55. Plaintiff's table - Site location map, 1991
56. Plaintiff's table - EPA report summary, 1991-1992
57. Plaintiff's table - Affidavit of Diane L. Weathers, 1992
58. Plaintiff's table - Crystal Springs data, Blue Barrels, 1992
59. Plaintiff's table - Affidavit of Joshua Nessen, 1992
60. Plaintiff's table - Carmine DiBattista, 1992
61. Potential exhibits, 1992

#### Series 6 – Coalition to Rebuild BRidgeport

62. Clippings, 1992
63. Coalition notes, 1992
64. Coalition notes, 1992
65. Photographs, unidentified event

Tape box #9, tape 12# - Removal of Mt. Trashmore, October 1992-Jan. 1993, [digitized](#)

#### Box 3

Series V, Attorney notes

Subseries 1, Debbie Spivak

1. Correspondence, 1992-1993
2. Notes, 1992-1993
3. Notes, 1992-1993
4. Notes, 1992-1993
5. Notes, 1992-1993
6. Notes, 1992-1993

7. Notes, 1992-1993
8. Notes, 1992-1993
9. Notes, 1992-1993
10. Notes, 1992-1993
11. Notes, 1992-1993
12. Notes, 1992-1993
13. Notes, 1992-1993

Subseries 2, Stephen Humes

14. DEP-EPA reports and tests, 1991-1993
15. Waste rejected from Mt. Trashmore, 1992
16. Notes, 1992-1993
17. Notes, 1992-1993
18. Billing, 1993
19. Correspondence with attorney general, 1993 April